

Form 4.

Affidavit Accompanying Motion for Permission to Appeal In Forma Pauperis

United States District Court for the Middle District of GeorgiaA. B., Plaintiff United States

v.

Case No. 02-00008 CR-CDL-4C. D., Defendant. Ricardo Kiowa Gonzales

Instructions: Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Affidavit in Support of Motion

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Date: 17 October 2005Signed: [Signature]

My issues on appeal are:

1. For both you and your spouse, estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income Source

Average monthly amount during the past 12 months

Amount expected next month

	You	Spouse	You	Spouse
Employment	\$ <u>20.00</u>	\$ <u>3,000</u>	\$ <u>2.00</u>	\$ <u>3,000</u>
Self-employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>none</u>	\$ <u>none</u>	\$ <u>none</u>	\$ <u>none</u>
Interests and dividends	\$ <u>none</u>	\$ <u>none</u>	\$ <u>none</u>	\$ <u>none</u>
Gifts	\$ <u>none</u>	\$ <u>none</u>	\$ <u>none</u>	\$ <u>none</u>
Alimony	\$ <u>none</u>	\$ <u>none</u>	\$ <u>none</u>	\$ <u>none</u>
Child support	\$ <u>none</u>	\$ <u>none</u>	\$ <u>none</u>	\$ <u>none</u>
Retirement (such as Social Security, pensions, annuities, insurance)	\$ <u>none</u>	\$ <u>none</u>	\$ <u>none</u>	\$ <u>none</u>
Disability (such as Social Security, insurance payments)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Public-assistance (such as welfare)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Other (specify): _____	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Total monthly income:	\$ <u>0</u>	\$ <u>3,000</u>	\$ <u>0</u>	\$ <u>3,000</u>

2. List your employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross Monthly Pay
U.S. Army	1300 N. Warehouse Rd. PT. Leavenworth, KS 66027	1998 - Present	\$0.00 Pay forfeited at court-martial

3. List your spouse's employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross Monthly Pay
Lexington Public Schools	Lexington, KY	2004 - Present	Approximately \$3,000

4. How much cash do you and your spouse have? \$ 0

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
N/A	N/A	\$ N/A	\$ N/A
N/A	N/A	\$ N/A	\$ N/A
N/A	N/A	\$ N/A	\$ N/A

If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home (Value)	Other Real Estate (Value)	Motor Vehicle #1 (Value)
N/A	N/A	Make & Year: 1996 FORD
N/A	N/A	Model: Explorer
N/A	N/A	Registration #: unknown at this time
Other Assets (Value)	Other Assets (Value)	Motor Vehicle #2 (Value)
N/A	N/A	Make & Year: N/A
N/A	N/A	Model:
N/A	N/A	Registration #:

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A

7. State the persons who rely on your or your spouse for support.

Name	Relationship	Age
<u>Jackson Gonzales</u>	<u>Son</u>	<u>31 months</u>
_____	_____	_____
_____	_____	_____

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Your Spouse
For home-mortgage payment (include lot rented for mobile home)	\$ <u>0</u>	\$ <u>800.00</u>
Are real-estate taxes included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	\$ <u>0</u>	\$ _____
Is property insurance included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	\$ <u>0</u>	\$ _____
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>0</u>	\$ <u>200.00</u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u>100.00</u>
Food	\$ <u>0</u>	\$ <u>250.00</u>
Clothing	\$ <u>0</u>	\$ <u>100.00</u>
Laundry and dry-cleaning	\$ <u>0</u>	\$ <u>100 100.00</u>
Medical and dental expenses	\$ <u>0</u>	\$ <u>N/A</u>
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>250.00</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>50.00</u>
Insurance (not deducted from wages or included in mortgage payments)	\$ <u>0</u>	\$ <u>0</u>
Homeowner's or renter's	\$ <u>0</u>	\$ <u>0</u>
Life	\$ <u>0</u>	\$ <u>0</u>
Health	\$ <u>0</u>	\$ <u>0</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>150.00</u>
Other: _____	\$ <u>0</u>	\$ <u>0</u>
Taxes (not deducted from wages or included in mortgage payments) (specify): <u>Income Taxes</u>	\$ <u>0</u>	\$ <u>2,000</u>
Installment payments	\$ <u>0</u>	\$ <u>0</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Credit card (name): <u>VISA/Mastercard</u>	\$ <u>0</u>	\$ <u>200.00</u>
Department store (name): _____	\$ <u>0</u>	\$ <u>0</u>
Other: <u>Student Loans - Wells Fargo</u>	\$ <u>0</u>	\$ <u>200.00</u>
Alimony, maintenance, and support paid to others <u>Legal Fees</u>	\$ <u>0</u>	\$ <u>100.00</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>0</u>
Other (specify): <u>Day Care for our son</u>	\$ <u>0</u>	\$ <u>400</u>
Total monthly expenses	\$ <u>0</u>	\$ <u>2,900 - 3,000</u>

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☒ No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No If yes, how much: \$ _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid – or will you be paying – anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No If yes, how much? \$ _____

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

I am not receiving any pay from the military and am not receiving any work-pay from the U.S. Disciplinary Barracks. My wife earns just enough to cover the monthly expenses for her and our son.

13. State the address of your legal residence.

Box 77558
1300 N. Warehouse Rd.
Ft. Leavenworth, KS 66027

Your daytime phone number: (N/A) N/A

Your age: 30 Your years of schooling: 17

Your Social Security number: 524-13-11651

(As amended Apr. 24, 1998, eff. Dec. 1, 1998.)